

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court
Southern District Of Texas

FILED

UNITED STATES DISTRICT COURT

JAN 9 2020

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

Gladis Nahime Hernandez Montoya (1991 / MEX)

Case No.

M-20-0043-M
(Related: M-20-0041-M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 8, 2020 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

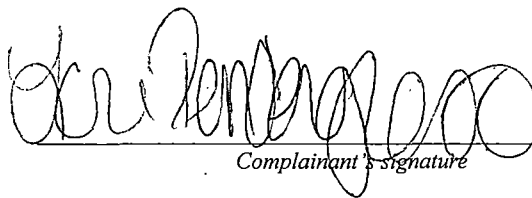
18 USC § 922(g)(5)(A)

Offense Description

Unlawful to possess a firearm that had previously traveled in and affected interstate commerce while being an alien who is illegally or unlawfully present within the United States; To Wit; Keltec, Model PF9, 9mm caliber pistol, Serial Number RG863.

This criminal complaint is based on these facts:

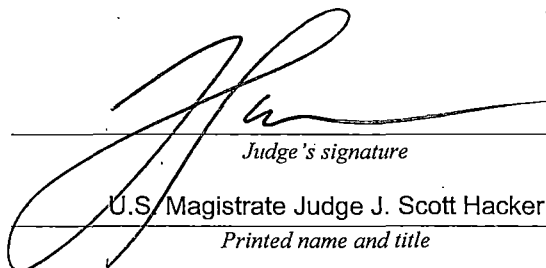
See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

Lori Pendergrass, HSI Special Agent

Printed name and title

Approved by Robert Guerra AUSA
Sworn to before me and signed in my presence.Date: 01/09/2020City and state: McAllen, Texas

Judge's signature

U.S. Magistrate Judge J. Scott Hacker

Printed name and title

Attachment "A"

I, Lori Pendergrass, am a Special Agent of the United States Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other agents/officers, merely the amount needed to establish probable cause. I do not rely upon facts not set forth herein in reaching my conclusion that a complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the complaint.

1. On January 8, 2020, Homeland Security Investigations in McAllen, Texas, (HSI McAllen) and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) executed a search warrant at the residence of Gladis Nahime HERNANDEZ-MONTOYA (HERNANDEZ) located at 3929 Swallow Avenue, McAllen, Texas 78504.
2. During the search of the residence Agents discovered a black Kel-Tec, Model PF9, 9mm caliber pistol underneath the pillow of the bed located in the upstairs master bedroom area.
3. In a post Miranda interview HERNANDEZ freely admitted that she knew the firearm was there, that she moves the firearm to make her bed, or stores it in the nightstand. Furthermore, HERNANDEZ told agents she knew that she could not purchase or possess firearms because she is a citizen of Mexico and an alien present in the United States. HERNANDEZ had possession and control over the firearm.
4. A check of immigration databases confirmed HERNANDEZ is a citizen and national of Mexico and is currently present in the United States without admission and is on bond awaiting removal proceedings.
5. On January 8, 2020, your affiant contacted an ATF SA, who is recognized as an expert in the interstate and foreign commerce travel of firearms and ammunition. The ATF SA physically examined the ammunition and firearm possessed by HERNANDEZ and stated that the firearm and ammunition were manufactured outside of the State of Texas and therefore, previously traveled in the interstate or foreign commerce at some time prior to being possessed by any person in the State of Texas.